

Please return to:

Richard D. Sewall  
P. O. Box 95092  
Newton, MA 02495



2012 00041443

Bk: 58587 Pg: 43 Doc: DECIS  
Page: 1 of 5 02/29/2012 01:40 PM

#282-11(2)

CITY OF NEWTON  
IN BOARD OF ALDERMEN

February 6, 2012

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN for four attached dwellings in two buildings, waivers to the side and rear setback requirements and lot coverage ratio, and the dimensional requirement for interior parking stalls as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The Board finds that the site in an appropriate location for the four-unit attached dwelling use in two separate structures and that the use as developed and operated will not adversely affect the neighborhood.
2. The Board finds that the proposed waivers to the side and rear setback requirements and lot coverage ratios are appropriate and in keeping with the surrounding neighborhood and are similar to Multi-Residence 1 requirements, which is the zoning district applicable to the surrounding neighborhood.
3. The Board finds that the location and configuration of structures is appropriate and in keeping with the historic neighborhood and that the petitioner is preserving the existing historic structure which will be a benefit to the neighborhood and will not adversely affect abutters or the immediate neighborhood.
4. The Board finds that the design and location of access driveways and the dimensional requirements for interior parking stalls are appropriate to the site and neighborhood and will not result in any vehicular or pedestrian safety concerns.
5. The Board finds that the petition is consistent with Newton's *Comprehensive Plan* as it preserves the existing historic structure as well as allows for the creation of new dwelling units within close proximity to transportation alternatives in Nonantum, Newton Corner and Washington Street.

PETITION NUMBER: 282-11(2)

PETITIONER: Richard Sewall

RECEIVED  
Newton City Clerk  
2012 FEB -8 AM 9:14  
David A. Olson, CMC  
Newton, MA 02459

RECEIVED  
Newton City Clerk  
2012 MAR 3 PM 3:20  
David A. Olson, CMC  
Newton, MA 02459

Property: 87-89 Waban Street, Newton, MA 02458

57079 220

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

LOCATION: 87-89 Waban Street, Section 12, Block 4, Lot 27 containing approximately 20,082 square feet of land

OWNER: Richard Sewall

ADDRESS OF OWNER: P.O. Box 95052, Newton, MA 02465

TO BE USED FOR: Four attached dwellings in two 2-unit buildings

CONSTRUCTION: Wood frame

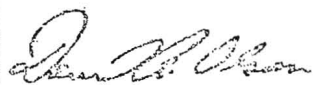
EXPLANATORY NOTES: §30-9(b)(5) to allow four attached dwellings in two buildings; § 30-15, Table 1 and 30-9(b)(5)b) to allow side setbacks of 11 and 14.4 feet and a rear setback of 16.4 feet where 25 feet is required, for lot coverage of 28.8% where 25% is allowed, and for a driveway closer than 10 feet from the side lot line; § 30-19(g)(2) and 30-19(m) to allow parking stalls which measure 9 feet by 18 feet where 9 feet by 19 feet is required

ZONING: Multi-Residence 1 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the plans listed below:
  - a. "Locus Plan 87-89 Waban Street, Newton, MA," dated May 25, 2011, signed and stamped by Frank Iebba, Registered Professional Engineer
  - b. "Topographic Plan 87-89 Waban Street, Newton, MA," dated December 4, 2011, signed and stamped by Frank Iebba, Registered Professional Land Surveyor
  - c. "Architectural Plan Set," dated October 12, 2011 and Revised December 8, 2011 all stamped and signed by Ronald F. Jarek, Registered Architect consisting of 11 sheets including:
    - i. A-0, Title Sheet
    - ii. A-1, Notes & Materials
    - iii. A-2, Proposed Basement Floor Plan
    - iv. A-3, Proposed First Floor Plan,
    - v. A-4, Proposed Second Floor Plan
    - vi. A-5, Proposed Attic Floor Plan
    - vii. A-6, Proposed Roof Plan
    - viii. A-7, Proposed Front Elevation
    - ix. A-8, Proposed Right Side Elevation
    - x. A-9, Proposed Left Side Elevation
    - xi. A-10, Proposed Rear Elevation

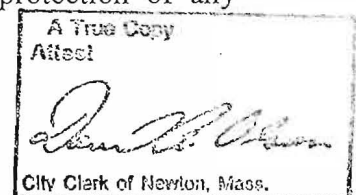
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Attest



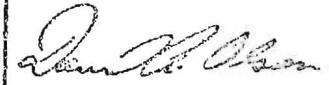
City Clerk of Newton, Mass.

d. "Landscape Plan," dated January 10, 2012 and Revised January 20, 2012, stamped and signed by Ronald F. Jarek, Registered Architect

2. Prior to the issuance of a building permit the petitioner shall submit final engineering plans for review and approval by the City Engineer, in accordance with the memorandum from the Associate City Engineer, dated January 5, 2012. This shall include sidewalk, driveway apron and curbing details.
3. Prior to the issuance of a building permit the petitioner shall submit a final Landscape Plan to the Director of Planning and Development for review and approval. All new landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary. The plan will also be reviewed for adequacy of snow storage and appropriate turning radii related particularly to the garages off the western driveway. The plan may be modified in the field to allow improved turning radius into the garages off the western driveway.
4. The petitioner shall underground the electrical service serving the subject property.
5. Prior to the issuance of a building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. This plan shall include at a minimum:
  - i. 24-hour contact information for the general contractor of the project.
  - ii. The hours of construction; there shall be no construction on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
  - iii. The proposed schedule of the project, including the general phasing of the construction activities.
  - iv. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
  - v. Proposed truck route(s) that minimize travel on local streets.
  - vi. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
  - vii. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
  - viii. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.



6. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
  - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. filed final engineering plans for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
  - d. submitted a Construction Management Plan in accordance with Condition 4.
  - e. obtained a statement from the Director of Planning and Development that all plans are consistent with Condition #1.
  
7. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and registered engineer certifying compliance with Condition #1.
  - b. incorporate the approved Operations and Maintenance Plan for Stormwater Management on file with the City Clerk's Office into the Master Deed, which shall be recorded in conjunction with the completion of the construction of such special permit, proof of which shall be submitted to the Engineering Division.
  - c. submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor
  - d. filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
  - e. filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
  
8. Notwithstanding the provisions of Condition #10. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscap

DIAGRAM Copy  
Attest  
  
City Clerk of Newton, Mass.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 2 absent (Aldermen Salvucci and Sangiolo) 1 recused (Alderman Schwartz)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on February 8, 2012. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



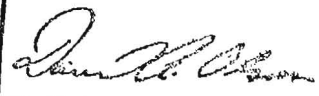
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 2/8 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

FEB 29 2012

COMMONWEALTH OF MASSACHUSETTS.  
MIDDLESEX S. S. \_\_\_\_\_

SOUTH DIST. REGISTRY OF DEEDS  
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING  
IS A TRUE COPY OF A PAPER  
RECORDED IN BOOK 58587

PAGE 43

*Eugene C. Burns*  
REGISTER